

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

RONALD S. DEPAOLI,

Petitioner,

v.

Case No. 21-CV-902-SCD

DANIEL CROMWELL,

Respondent.

**ORDER DENYING PETITIONER’S APPLICATION
FOR CERTIFICATE OF APPEALABILITY**

In August 2021, Ronald Depaoli filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his 2010 Wisconsin conviction for repeatedly sexually assaulting his stepdaughter when she was twelve to sixteen years old. *See* ECF No. 1. In November 2022, this court granted the respondent’s motion to dismiss the petition as untimely. *See* ECF No. 18. The court also denied Depaoli a certificate of appealability. Depaoli appealed. *See* ECF No. 20. In September 2024, the court received from Depaoli an application for a certificate of appealability. *See* ECF No. 25. The application appears directed to the United States Court of Appeals for the Seventh Circuit. To the extent Depaoli requests a certificate of appealability from this court, his request will be denied.

A state prisoner like Depaoli needs a certificate of appealability to appeal the final order in a habeas corpus proceeding. *See* 28 U.S.C. § 2253(c)(1)(A). “A certificate of appealability may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). Moreover, where a district court denies a habeas petition on procedural grounds, the petitioner must also show “that jurists of reason

would find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 478 (2000). Here, no reasonable jurist would find it debatable whether Depaoli timely filed his federal habeas petition or satisfied the actual-innocence exception. Accordingly, the court **DENIES** the petitioner’s application for certificate of appealability, ECF No. 25. To proceed with his appeal, Depaoli must seek a certificate of appealability from the court of appeals.

SO ORDERED this 21st day of November, 2024.



STEPHEN C. DRIES
United States Magistrate Judge